

Amendment under 37 CFR §1.111
Application No. 10/581,210
Attorney Docket No. 062485

REMARKS

Objections to Specification

The specification was objected to because the arrangement of the disclosed application does not conform to 37 CFR § 1.77(b).

Accordingly, we will amend the specification to comply with the PTO requirements.

Rejections under 35 USC §102(b)

Claims 1-3 were rejected under 35 USC §102(b) as being anticipated by Clerc et al. (U.S. Patent No. 6,190,802).

Applicants respectfully traverse the rejection.

Claim 1 has been amended to recite “wherein atomic ratio of (transition metal element):(oxygen):(nitrogen) is $(1\pm0.1):(1\pm0.1):(1\pm0.1)$.” This amendment is supported in the original specification at paragraph [0012].

Clerc et al describes as follows:

This invention relates generally to synthetic materials. More specifically, the invention relates to ceramic materials, and in particular to ceramic materials comprised of **transition metal nitrides which incorporate a group I element**, particularly lithium, therein, and which are **doped with metals and/or metal oxides**. The invention further relates to electrodes incorporating these materials, and in particular to cathodes for rechargeable lithium batteries.

(Clerc, column 1, lines 9-16). Regarding the composition, Clerc describes as follows:

The present invention is directed to ceramic materials having the general formula $\text{Li}_\alpha\text{M}_{1-\beta}\text{T}_\beta\text{N}_x\text{O}_8$. wherein M is a host metal which is preferably a transition metal, and in one preferred embodiment is vanadium. T is a dopant

metal; β is less than one and most preferably less than 0.2; x is greater than 0 and less than or equal to 1; δ is 0, or less than or equal to 4; and α is less than or equal to $3-x$. It is to be understood that the formulations of the present invention will include both stoichiometric compositions as well as nonstoichiometric compositions, and values of all of the subscripts may be increased by a common multiplier; that is to say, they may be scaled up, provided that the ratios therebetween are maintained.

(Clerc, column 2, lines 23-35). Thus, Clerc does not teach or suggest “wherein atomic ratio of (transition metal element):(oxygen):(nitrogen) is $(1\pm 0.1):(1\pm 0.1):(1\pm 0.1)$,” as recited in amended claim 1.

For at least these reasons, claim 1 patentably distinguishes over Clerc. Claim 2, depending from claim 1, also patentably distinguishes over Clerc for at least the same reasons. Claim 3 has been cancelled making the rejection of the claim moot.

New Claims

New claims 4 and 5 depend from claim 1. Therefore, these claims also patentably distinguish over Clerc for at least the same reasons as discussed above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Substitute Specification
 Marked up Copy of Specification